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THE
LAWS and ACTS
Made in the EIGHT and NINTH SESSIONS of the FIRST
PARLIAMENT

Of Our most High and Dread SOVERAIGN

WILLIAM

*By the Grace of GOD, KING of SCOTLAND,
ENGLAND, FRANCE, and IRE-
LAND, Defender of the Faith.*

Holden at *EDINBURGH* the 21 Day of May, and
thereafter Adjourned to the 29 day of October 1700.

By his Grace JAMES Duke of *Quaensberry*, Marquis of *Drumfries-shire*,
Earl of *Drumlanrig*, and *Sanquhar*, Viscount of *Nith*, *Torthorald*, and
Ross, Lord *Dowglas* of *Kinmount*, *Midlebie* and *Dornock*, &c. Lord
Privy Seal of the Kingdom of *Scotland*, one of the Lords of His Maje-
sties most Honourable Privy Council, Thesaury and Exchequer, an
Extraordinary Lord of Session, and one of the Gentlemen of His Ma-
jesties Bed-Chamber.

His Majesties High Commissioner for Holding the same.

By Vertue of Two COMMISSIONS under His Majesties Great-Seal of this
KINGDOM.

With the special Advice and Consent of the Estates of Parliament.

Collected and Extracted from the Registers and Records of Parliament, by
(*CHARLES Earl of Selkirk &c. Clerk to His Majesties Council,*
Exchequer, Registers and Rolls, &c.)

EDINBURGH,
Printed by the Heirs and Successors of *Andrew Anderson*, Printer to His
most Excellent Majesty, Anno Dom. 1701.

CUM PRIVILEGIO.

THE
LAW S and ACTS

Made in the EIGHT and NINTH SESSIONS of the FIRST

Printed by the House and Session of the House of Commons
in the Year 1713.
J. M. P. R. I. T. I. C. O.



T H E

L A W S and A C T S

Made in the EIGHT and NINTH SESSIONS of the FIRST

P A R L I A M E N T

Of Our most High and Dread SOVERAIGN

W I L L I A M

*By the Grace of GOD, KING of SCOTLAND,
ENGLAND, FRANCE, and IRE-
LAND, Defender of the Faith.*

Holden at *EDINBURGH* the 21 Day of May, and
thereafter Adjourned to the 29 day of *October* 1700.

I.

A C T

*Adjourning the Session till the first Tues-
day of December.*

October 31. 1700.



OUR SOVERAIGN LORD Considering, That the Sit-
ting of the Parliament may continue for the Moneth of
November, whereby the Winter-Session cannot conve-
niently sit in it's ordinary Time, and that the Leidges
may not be put to unnecessary Attendance: Doth there-
fore with Advice and Consent of the Estates of Parlia-
ment, Adjourn the Session (which in course should sit the first of No-
A vember

ember) to the first Tuesday of December next, continuing all Actions and Causes depending before the Lords of Session until the said first Tuesday of December; And His Majesty dispenses in the mean time with the sitting of the Justiciary-Court, and all other inferior Courts, as if the Session had not been adjourned: And notwithstanding of the sitting of the Parliament. And farther Declares, that the Time and Space to run betwixt the said first of November, and the first Tuesday of December, shall not be reckoned in any short Prescription. And Ordains these Presents to be published at the Mercat-Cross of Edinburgh, and to be forthwith Printed, that the Leidges may be certified thereof.

I I.

A C T

*For securing of the Protestant Religion,
and Presbyterian Government.*

November 23 1700.



OUR SOVERAIGN LORD, with Advice and Consent of the Estates of Parliament, Ratifies, Approves, and perpetually Confirms, all Laws, Statutes, and Acts of Parliament, made for the Establishing, Mentaining and Preserving of the true reformed Protestant Religion, and for the true Church of CHRIST, as at present owned, and settled within this Kingdom; As likewise for Establishing, Ratifying & Confirming the Presbyterian Church-Government & Discipline: That is to say, The Government of the

Church by Kirk-Sessions, Presbyteries, Provincial Synods, and General Assemblies, to be agreeable to the Word of GOD, and the only Government of Christs Church within this Kingdom, and particularly without prejudice of the generality foresaid, His Majesty with Advice and Consent foresaid, Ratifies, Approves, & Confirms the Fifth Act of the 2d. Session of this current Parliament, Intituled, *An Act ratifying the Confession of Faith, & settling Presbyterian Church-Gooernment*, in the haill Heads, Articles and Clauses thereof, as if at length herein set down; But prejudice nevertheless to the Twenty seventh Act of the fifth Session of this present Parliament

Judge or Clerk of the Court before whom the Conviction shall be made, (and which Certificat isto be given *gratis*) shall have the Sum of five hundred Merks, over and above his Expenses for his Reward, and that the Lords of His Majesties Thesaury cause pay the same to him immediatly, upon PtoDUCTION of the foresaid Certificat, or in case of delay of payment, that he shall have summar Action for recovery of his said Reward, before the Lords of Session, against the General Receiver, for what may be in his Hand, or the first and readiest that may come to his Hand, and that his Discharge shall be to the said General Receiver, a sufficient Exonerat[i]on ; And Ordains all Judges and Magistrats to whom the said Papists shall be presented, to receive and detain him Prisoner, and transmit what Information they receive against him to His Majesties Advocat. And because such is the Malice and Subtily of the said Jesuit Priests, and trafficking Papists, that they disguise themselves, and cover their evil Practices as much as possible, and through the difficulty of Probation do often evade the due pains of Law. Therefore it is farther *Statute and Ordained*, for facilitating the foresaid Conviction, that if it shall be proven that the Priest, Jesuit, or trafficking Papist, brought in question, was held and reputed to be a Jesuit, Priest, or trafficking Papist ; or if it shall be proven that he has changed his Name, or Sirname, and goes under another Name, and with one or other of these Alternatives, shall refuse to purge himself of Popery, in the form and manner after-mentioned, it shall be sufficient ground for the Lords of His Majesties Privy Council, to banish him furth of the Realm, with Certification, that if ever he return thereto, being still Papist, he shall be punished with the pain of Death ; Which Certification if incurred by the foresaid persons return, either contrair to the said Sentence, or contrair to his Consent to his own Banishment, under the said Certification, the same with his actual return proven, shall infer against him, and render him lyable to the foresaid pain of Death, and be a sufficient Ground and Warrant for the Lords of His Majesties Justiciary, to inflict the said punishment of Death, with the Escheat of his Movables upon him, Sicklike as if he had been convicted of actual Saying of Mass, upon any of the foresaid Statutes that makes the Saying of Mass punishable by Death : And His Majesties Advocat on Information, is required as he will be answerable, to prosecute persons suspect to be Jesuits, Priests, or trafficking Papists, and the Privy Council to inflict the said Punishment. And for the better Conviction of Hearers of Mass ; It is farther *Statute and Ordained*, that if any person be found in any Meeting, where there is either Altar, Mass-Book, or Vestments, or Popish Images, or other Popish Trinckets or Instruments of Superstition, and withal shall refuse to purge himself of Popery, in manner after-mentioned, it shall be a sufficient ground for the Lords of His Majesties Privy Council to banish him furth of the Realm under what Certification, even to the pain of Death *inclusive* they shall think fit, and that the incurring of the said Certification, by the person banished his return ; shall infer against him before the Lords of Council or Justiciary *respective* the pains therein contained, and whosoever shall discover, or find the said banisht Priest after his return, and deliver him Prisoner

Prisoner in manner foresaid, shall have the said Sum of Five hundred Merks for his Reward, and the same Execution for recovery thereof, as is above provided, and that without prejudice of all former Laws and Acts of Parliament, inflicting the pain of Death upon Hearers and Sayers of *Mass*, and others against Papists. And His Majesty with Advice and Consent foresaid, doth hereby not only Ratifie the eight Act of the Parliament 1661, Intituled, *Act against Papists, Priests and Jesuits, and appointing Children under Popish Parents, Tutors and Curators, to be taken from them, and committed to the Education of some well affected religious Kinsman, at the sight, and by Order of His Majesties Privy Council.* But further Declares, that it shall be competent to any of the Protestant Relations of the foresaid Children, to pursue to have their Education committed in manner above-prescribed; And that failzeing the said Protestant Relations, His Majesties Advocat, or Solicitor, may prosecute the said Action by themselves, without concurrence of the said Relations: And the Lords of His Majesties Privy Council, or Lords of Session, are hereby impowered summarly, to Appoint and Ordain such an Aliment to be payed to the person to whom the said Education shall be committed, out of the Estate and Means of the person educat, or their Parents, as they shall think meet; And to the effect that the foresaid matter of Education may be better seen to: His Majesty and Estates of Parliament, recommend to the Presbytries within the Kingdom, to send in termely Lists and Informations to one of the Clerks of His Majesties Privy Council, of what Children are under Popish Parents, Tutors, Curators, or other Papists within their respective Bounds, that their Education may be provided for as said is. And farder, for the better restraining of the foresaid pernicious Growth of Popery; His Majesty with Advice and Consent foresaid, doth hereby *Statute, Ordain, and Declare*, that in all time coming, no professed Papist, who being suspect thereof, shall refuse to purge themselves of Popery in the form and manner after set down, shall be capable to purchase and enjoy by any voluntar Disposition or Deed that shall be made to them, or any person in trust to their behove, any Lands, Houses, Tenements, Annualrents, or other real Rights, or Tacks of Lands, or Teinds, but that the said voluntar Dispositions and Deeds, with all that shall follow thereupon, shall *eo ipso* become void and null to all intents and purposes, and the Right thereof remain with the Disponer or Granter his Heirs and Assignes, sicklike as if the samen had not been made nor granted, neither shall any Action be competent to the said Papist, or any interposed person for their behove, upon the Warrantice, nor for Restitution or Repetition of the price, or other onerous Causes of the Deed in their favours, or for their behove. And sicklike, His Majestie with Advice and Consent foresaid, *Statutes, Enacts and Declares*, that no person or persons professing the Popish Religion, past the Age of fifteen Years, shall hereafter be capable to succeed as Heirs to any person whatsoever, nor to Bruik or Enjoy any Estate by Disposition, or other Conveyance flowing from any person to whom the said Papist might succeed as Heir any manner of way, until the said Heirs purge themselves of Pope-

ry in manner after-mentioned. And if any person or persons educated in the Popish Religion, shall happen to succeed as Heirs to their Predecessors, or any Convoyance shall happen to be made in their favours from a person to whom they might succeed as Heirs before they attain the said Age ; Then, and in either of these Cases, they shall be holden and obliged to purge themselves of Popery, before they attain to the said Age of fifteen years; And in these cases, or either of them, *viz.* If the Succession devolve to any Papist after the Age of fifteen years, or any Convoyance shall happen to be made in their favours, from any person to whom they might have succeeded, or the Right be devolved to them by Succession, or other Convoyance before that Age, and they neglect, or omit to renounce Popery as aforesaid ; Then, and immediatly thereafter, their Right and Interest in, or by the foresaid Succession or Convoyance shall become void and null, and shall devolve and belong to the next Protestant Heir, or Heirs, who would succeed if they and all the intervening Popish Heirs were naturally dead ; And it shall be lawful to the said Protestant Heir, or Heirs, to serve Heir to the Defunct to whom the intervening Papist might have succeeded, by vertue of this Act, and the Irritancie incurred by the intervening Popish Heir, or Heirs ; Which Protestant Heir or Heirs, shall have Right to the said Estate, and Profits, and Mails and Duties thereof, from the incurring of the Irritancy, ay and while the foresaid person or persons excluded, or their Heirs, shall purge themselves of Popery in manner foresaid : In which case they shall be immediatly reponed to their Right and Possession of the Estate from which they were excluded, in the same condition as it was the time of their Exclusion, the intervening Rents and Profits belonging to the Protestant Heir, or Heirs, without being lyable to compt therefore, with the Burden of the current Annualrents of the Debts ; *Providing* always that the foresaid Exclusion shall be without prejudice to their lawful Creditors anterior to the Exclusion only, and to the Creditors of their Predecessor, from whose Succession they are excluded. And farder, His Majesty with Advice and Consent foresaid, Statutes, Enacts and Declares, that it shall not be lawful to any Papist, to Grant any gratuitous Disposition of his Heretage, or any part thereof, or any gratuitous Bond, or other gratuitous Deeds to the prejudice of his Heir or Heirs ; Declaring all such Dispositions, Bonds or other Deeds, to be void and null, excepting in so far as concerns his Person and Movable Estate allenarly. And His Majesty with Advice and Consent foresaid, Statutes, Enacts and Declares, that the proper Debts and Deeds of the Protestant Heir or Heirs succeeding as aforesaid, shall no ways affect the foresaid Estate, but the same shall return in the same condition as it was at the time the Succession devolved to the Protestant Heir or Heirs, with the burden always of the just and lawful Debts payed by the Protestant Heir or Heirs, or Securities granted by them for the said Debts, which shall really burden and affect the said Estate, not reckoning the current Annualrents, so that the benefite of the free Rent, over & above the current Annualrent, shall belong to the Protestant Heir or Heirs ; And in case the

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protestant Heir or Heirs to whom the Succession shall devolve, do not prosecute their Right by Service, or other Legal Mean, to affect the Succession within the space of two Years after the Irritancy is incurred, then there shall be access to the next Protestant Heir or Heirs, to whom the like space is allowed to prosecute their Right; and if they failzie, to the remotter Heir or Heirs on the like Conditions, ay and while the Right be effectually established in the person of a Protestant Heir or Heirs, who by owning and establishing their Title, shall have Right to all the Profits after incurring of the Irritancy; and if the Popish Heir or Heirs excluded, do not renounce Popery as aforesaid, within the space of Ten Years after the Irritancy is incurred, not reckoning the Years of Minority in the said Ten Years, they and their Heirs shall be for ever excluded: Providing always and Declaring, that all Estates whatsoever devolved in manner and for the Causes foresaid, shall be devolved, transferred and belong to the succeeding Protestant Heir, with and under the Tailzies, Conditions, Irritancies and Clauses resolute contained in the Rights of the said Estates, as they stand or shall stand in the person of these to whom they shall succeed, on the Grounds and for the Reasons foresaid, the same being consistent with and agreeable to this present Act and the other Laws of the Kingdom. And for preventing all Frauds by latent or antedated Dispositions, His Majesty with Advice foresaid, Doth Statute and Declare, that no Disposition or other voluntar Right in favours of a Papist, flowing from a person to whom the said Papist may succeed as Heir, shall be of any force or effect, though anterior to the date hereof, unless the said Disposition or other Right has taken effect by Infeftment or Possession, or producing the same Judicially in Process before the date hereof. And His Majesty with Advice and Consent foresaid, Statutes, Enacts and Declares, that all Dispositions, Donations, Legacies, or other Deeds in favours of Cloysters, or any other Popish Societies, or to any persons to their behove, shall be void and null, in so far as concerns the said Cloysters or Popish Societies, but the same shall *ipso facto* fall and accres to the nearest Protestant Relation to the giver at the time, when the said Disposition, Donation, Legacy or other Deed were destinat to be effectual. As also, His Majesty with Advice and Consent foresaid, Statutes, Enacts and Declares, that no Adjudication at the instance of any Papist, or for his behove, shall at any time expire in the person of a Papist, but shall only subsist for Security of the Sums truly due, with the ordinar Annualrent thereof, providing that the said Adjudication may expire within Year and Day after the same comes to be established in the person of a Potestant Heir or Assigney and the ordinar Legal run, neither shall any Adjudication or other real Diligence be comptent at the instance of a Papist, or his behove, upon a gratuitous Bond, or any other gratuitous Debt or Deed whatsoever. And His Majesty with Advice and Consent foresaid, Ordains the foresaid Renunciation of Popery, to be made according to the *Formula* hereto subjoyned, in presence of the Lords of His Majesties Privy Council, or whom they shall appoint, or in presence of the Presbytry of the Bounds where the Party resides for the time; and that the same be Signed and

Recorded in the Books of the Judicature before whom the said Declaration shall be Judicially Made and Signed, and to be Reported by the Presbytry to one of the Clerks of the Privy Council within Fourty Days. And in like manner, it is hereby Statute and Enacted, that if any person Professing the true *Protestant Religion*, as now established in this Kingdom, shall Apostatize from the same, by professing the *Popish Religion*, or practising the Idolatries or Superstitions thereof as a Papist, he shall thence and from that time furth, Forfault his whole Heretable Estate to his next Heir in Law being Protestant, sicklike as if he were naturally dead : But prejudice always to lawful anterior Creditors, both as to the person Apostatizing himself and his Estate and Succession therein in any sort. And for avoiding all Questions anent the next Protestant Heir, in case the next Heir or Heirs to the person excluded should happen to be Infants, or within Pupillarity, It is hereby Declared, that the said next Heir or Heirs, within Pupillarity, shall be reckoned Protestant Heirs, though of Popish Parents, in case they be under the Education of Protestants ; but if the said Pupil Heir or Heirs be under the Education of Papists, they shall be reckoned Popish Heirs, and hereby excluded, until they renounce Popery as aforesaid. And lastly, His Majesty with Advice and Consent foresaid, Statutes, Enacts and Declares, that for preventing all occasion of Seduction by Papists, no person professed or suspected to be Papists, shall be capable to be Employed in the Education of Youth, or the Trust or Mannagement of their Affairs ; and especially, that none such shall be capable to be Governours, Chaplains, Pedagogues or School-Masters, Tutors or Curators, Chamberlains or Factors, and that none presume to Imploy Papists, or such as are suspect of Popery, in any of the saids Trusts, until first they purge themselves of Popery, and Sign the *Formula* after-mentioned, under the Pain of an Years Valued Rent, or One Thousand Merks in case the Valuation be less, or that the Employer be not an Heretor, *toties quoties*, and all such Commissions, Tutories or Curatories to be void & null, neither shall it be allowed to any professed or suspect Papist to Teach any Art, Science, or Exercise of any sort, either in Families or out of them, or to Young or Old, nor shall any Papist be intertained as a Domestick Servant by any Protestant, under the pain of five hundred Merks, to be incurred by each of the saids Offenders who shall presume in the contrair ; And which Pain of a years valued Rent, a thousand Merks or five hundred Merks *respective*, may be pursued for by any Protestant Subject, and upon Conviction shall pertain to the Pursuer for his Reward.

Follows

Follows the Formula.

I do sincerely from my Heart, profess and Declare before GOD, who searcheth the Heart, that I do Deny, Disown and Abhor these Tenets and Doctrines of the Papal Romish Church, viz. The Supremacy of the Pope and Bishop of Rome, over all Pastures of the Catholick Church, his Power and Authority over Kings, Princes and States, and the Infallibility that he pretends to, either without, or with a general Council, his Power of Dispensing and Pardoning, the Doctrine of Transubstantiation, and the Corporal Presence with the Communion without the Cup in the Sacrament of the Lords Supper, the Adoration and Sacrifice professed and practised by the Popish Church in the Mass, the Invocation of Angels and Saints, the Worshipping of Images, Crosses and Relicks, the Doctrine of Supererogation, Indulgences and Purgatory, and the Service and Worship in an unknown Tongue: All which Tenets and Doctrines of the said Church, I believe to be contrary to, and inconsistent with the written Word of GOD; And I do from my Heart Deny, Disown and Disclaim the said Doctrines and Tenets of the Church of Rome, as in the presence of GOD, without any Equivocation, or mental Reservation, but according to the known and plain Meaning of the Words as to me offered and proposed, So help me GOD.

IV.

ACT

Adjourning the Session to the First of January 1701.

November 29. 1700.



OUR SOVERAIGN LORD Considering, That by a former Act of this Session of Parliament, the sitting of the Session was adjourned till the first Tuesday of December next; And that the Parliament may continue a great part of the said month of December: Therefore, His Majesty with Advice and Consent of the Estates of Parliament, doth further adjourn the Session till the first day of January next to come, in the Terms, and with the Qualifications contained in the said first Act of Adjournment of the Session in all Points.

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V.

A C T
*Adjourning the Session to the twenty eight
 of January 1701.*

December 30. 1700.



OUR SOVERAIGN LORD Considering, that by a former Act of this Session of Parliament, the sitting of the Session was adjourned till the first *Tuesday* of *December* then next; As likewise by another Act of the said Session of Parliament, the Session was adjourned till the first day of *January* next, and that the Parliament may continue to sit for some time: *Therefore*, His Majesty with Advice and Consent of the Estates of Parliament, doth further adjourn the Meeting of the Session, till the Twenty eight day of *January* next to come, in the Terms, and with the Qualifications contained in the said first Act of Adjournment of the Session in all Points.

V I.

A C T
*For Preventing wrongous Imprisonment
 and against undue Delays in Tryals.*

January 31. 1701.



OUR SOVERAIGN LORD Considering, it is the Interest of all His good Subjects, that the Liberty of their Persons be duely Secured; and that it is Declared by the *Claim of Right*, That the Imprisonment of Persons without expressing the Reasons thereof, and delaying to put them to Tryal, is contrair to Law. *Therefore* His Majesty, with Advice and Consent of the Estates of Parliament, Statutes, Enacts and Ordains, That all Informers shall Sign their Informations, and that no Person shall hereafter be Imprisoned for Custody, in order to Tryal for any Crime or Offence, without a Warrant in Writ, Expressing the particular

particular Cause for which he is Imprisoned, and of which Warrant the Messenger or Executer thereof, before Imprisonment, or the Keeper of the Prison, receiving the same, is hereby Ordained to give a just double immediatly under his Hand to the Prisoner himself, for the end after-specified : Declaring, That all Warrants for Imprisonment, on the account foresaid, either proceeding upon Informations not Subscribed or not Expressing the particular Cause, shall be void and null, and the Judge or Officer of the Law, and all others whatsoever Subscribing the same, and the Executer or Keeper of the Prison who shall receive and detain the Person so wrongously Ordered to be Imprisoned, or refusing a double as said is, shall be lyable in the Punishment of wrongous Imprisonment hereafter exprest. And to the effect that Persons who are or shall be Imprisoned for Custody, in order to Tryal, may not be wrongously Delayed and Detained, His Majesty with Advice and Consent foresaid, *Statutes and Ordains*, That all Crimes not inferring Capital Punishment, shall beailable : And for clearing and establishing the method of finding Baill, in such Cases, either before or after Imprisonment, His Majesty with Advice and Consent foresaid, *Statutes and Ordains*, That it shall be lawfull to the Prisoner or Person ordered to be Imprisoned to apply to the Committer or Commissioners of Justiciary, or other Judge competent for Cognition of the Crime ; and offer to find sufficient Caution, That he the said Prisoner or Person ordered to be Imprisoned, shall appear and answer to any Libel that shall be offered against him for the Crime or Offence, wherewith he is charged, at any time within the space of six Moneths ; And that under such a Penalty, as the said Committer, or the Lords of Justiciary or other Judge competent shall modify and appoint ; And that upon the said Application, the said Committer or Lords of Justiciary, or other Judge competent shall first Cognosce, whether the Crime be Capital or not, in order to the finding Baill altogetherly ; And if foundailable, then he or they shall be obliged to Modify the Sum for which the Baill is to be found, within twenty four Hours after the said Petition is presented to him or them respectively, the Sum for which the Baill is to be found, not exceeding six thousand Merks for a Nobleman, three thousand Merks for a Landed Gentleman, one thousand Merks for any other Gentleman and Burghers, and three hundred Merks for any other inferiour Person, under the pain of wrongous Imprisonment, and upon the Parties finding sufficient Baill, under the Penalty modified, at the sight of the said Judge or Judicatory *respective* ; And Delivering or Offering the same to the Clerk, and Instruments taken upon the Delivery, or offer of sufficient Caution, the said Committer or Judicatory competent shall order his Liberation, or Discharge his Imprisonment, if not incarcerated, under the Penalty of wrongous Imprisonment : As likewise that sufficient Baill, under the Penalty modified being offered to the Judge or Magistrat, to whom the Execution of the Warrant is directed, the said Judge or Magistrat shall be Obligated, and is hereby Appointed and Ordained to accept of the foresaid Baill, and set the Prisoner at Liberty, under the like Penalty of wrongous Imprisonment. And His Majesty with Advice and Consent foresaid,

farder *Statutes & Ordains*, that upon Application of any Prisoner for Custody in order to Tryal, whether for capital orailable Crimes, to any of the Lords of Justiciary, or other Judge or Judicatory competent for judging the Crime or Offence for which he is imprisoned, and the said Prisoner his producing the said Double of the Warrant of his Imprisonment under the Keepers Hand, the said Judge or Judicatory competent, under the pain of wrongous Imprisonment, are hereby Ordained within twenty four Hours after the said Application and Petition is presented to him or them, to give out Letters or Precepts direct to Messengers, for intimating to his Majesties Advocat or Procurator-fiscal, and Party appearing by the Warrant to be concerned, if any be within the Kingdom, to fix a dyet for the Tryal within sixty days after the Intimation, Certifying his Majesties Advocat or Procurator-fiscal, and the said Party concerned, that if they failzie, the Prisoner shall be discharged and set at liberty without delay, for doing whereof the said Judge or Judicatory competent, are hereby expressly, Warranted, and strictly Required and Ordained, to do the same under the Penalty foresaid, unless the delay be upon the Prisoners Petition or desire, and the Dyet of the Tryal being prefixed, the Magistrats of the Place, or keeper of the Prison, shall then be obliged to deliver the Prisoner to a sufficient Guard to be provided by the Judge, His Majesties Advocat, or Procurator-fiscal, that the Prisoner may be sifted before the Judge competent, and His Majesties Advocat or Procurator-fiscal, shall insist in the Libel, and the Judge put the same to a Tryal, and the same shall be determined by a final Sentence within forty days, if before the Lords of Justiciary, and thirty days if before any other Judge, and if His Majesties Advocat or Procurator-fiscal, do not insist in the Tryal at the day appointed, and prosecute the same to the Conclusion as aforesaid; His Majesty with Advice foresaid, *Statutes and Ordains*, that the Dyet shall then be simpliciter deserted, and the Prisoner immediatly liberat from his Imprisonment for that Crime or Offence, and if no Process be raised and execute within the time allowed, or in case of not insisting at the Dyet, and bringing the Process to a Conclusion within the foresaid space, it shall be lawful to the Prisoner to apply to the Justice-General, Justice-Clerk, or any of the Lords of Justiciary, or Judge competent respective; and upon his application, and instructing that the limited time by Law for insisting or concluding the Process is elapsed, and Instruments taken thereupon, the said Justice-General, Justice-Clerk, Lords of Justiciary, and Judge competent, shall be obliged within twenty four hours, to issue out Letters or Precepts direct to Messengers, for charging the Magistrats or Keepers of the Prison where the Prisoner is detained, for setting him at Liberty, under the Penalty of wrongous Imprisonment. in case of delay or refusal, to grant the said Letters or Precepts, or to set him at liberty after the Charge, without prejudice to the Keeper of the Prison, as to his Dues in all cases of Liberation as formerly before the making of this Act, and the Prisoner being liberat in manner foresaid, it shall not be lawful to put or detain him in Prison for the same Crime, under the penalty of wrongous Imprisonment, in case his former Liberation be made

made known to the Committer before the Warrant be granted, or in case he be detained after his former Imprisonment is sufficiently instructed to the Keeper of the Prison, who upon production of the former Warrant of his Liberation from his Imprisonment for the same Crime, shall be obliged to set the Prisoner forthwith at liberty, unless there be new Criminal letters raised before the Commissioners of Justiciary, and duely execute against the said Prisoner; In which case it is hereby declared lawful to imprison him of new, though the saids Letters be raised for the same Crime for which he was formerly incarcerated, and it shall be lawful to apprehend and secure him at the time of executing the saids Letters, or at any time thereafter before Tryal, and to detain him till his Tryal, or that he be set at liberty in due course of Law: And His Majesty with Advice and Consent foresaid, Ordains His Majesties Advocat to insist in the said Libel, and prosecute the same to a final Sentence within forty days after the said Prisoner is of new incarcerated thereupon, unless the delay be upon the Application, or at the desire of the Prisoner; Wherein if the Kings Advocat failzie, the Dyet is to be deserted simpliciter, and the Prisoner ordained to be set at liberty from the said Imprisonment, and the Process not being duely prosecute as aforesaid, and the Dyet thereupon deserted: His Majesty with Advice and Consent foresaid, Declares, the Party imprisoned a second time as aforesaid, to be for ever free from all question or Process for the foresaid Crime or Offence, providing always, that in case of Imprisonment for Treason, the Prisoner shall not have access to apply for prefixing of a Dyet for Proces for forty days after his Imprisonment, which are hereby allowed for preparing of the Process, after elapsing of which time, the Lords of His Majesties Privy Council, or Lords of Justiciary, or any one of them, are hereby required upon the application of the Prisoner to issue forth Precepts as in other cases, and in case of not insisting or prosecuting the Process as aforesaid, the Prisoner shall be liberat upon sufficient Baill, to compear at any time when called within twelve Months, for his good and peaceable behaviour, in the mean time, the said Baill not exceeding the Double of the Baill in other Crimes; Declaring, that the Liberation provided by this present Act, is only to be understood from Imprisonments for the Causes foresaid, and without prejudice of all personal Diligence or Imprisonments for payment of Debts, or upon Sentence, or for any other Causes than these above-exprest, in the same way and manner as was competent before the making hereof; And sicklike, it is hereby provided and Declared, that this present Act is no ways to be extended to Colliers or Salters, and the same is without prejudice or Derogation from former Laws, requiring Bail to be given by Chiftains, Landlords, or others in the Highlands; Reserving likeways, Commitments, Imprisonments, and the prosecution of Thefts, Robbries and Depredations in the Borders and Highlands, according to the former Laws and Customs any thing in this Act Notwithstanding, without prejudice also to inferior Magistrats, Judges, or Justices of Peace, and Constables to take security of persons for their good Behaviour, and keeping of the Peace, as they have been in use formerly to do, or

to imprison in order to Tryal, for Indignities done to the saids inferior Magistrats, Judges, or Justices of Peace, or to imprison Parties disobedient and contumacious to Church Censures, Vagabonds, and masterful-Beggars, or to imprison for Riots, Bloods and Batteries, or persons found acting in Tumults, or for Drunkenness, Sabbath-breaking and Swearing, uncleanness, Pickeries and Thieving; For which Cases, or any of them, it shall be lawful to proceed as formerly, the persons imprisoned having always his relief by offering Bail, and demanding a Tryal as above. As also, providing that in the case of imminent or actual Invasion, Rebellion, or Insurrection, Commitments may proceed, by order of the Privy Council, or any Five of their Number, upon suspicion of Accession thereto, without being lyable to any Penalty for the said Commitment, the person imprisoned having always his Relief for Tryal or Liberation as aforesaid. And His Majesty with Consent aforesaid, *Statutes and Ordinances*, that the Pain of Wrongous Imprisonment shall be Six thousand pound for a Nobleman, four thousand pound for a Landed Gentleman, two thousand pound for every other Gentleman and Burgess, and four hundred pound for other persons; And if any Prisoner be detained after elapsing of the respective days in manner above-prescribed, for obtaining his liberty, the Judges, Magistrats or others wrongously detaining shall be lyable in the pains following. *viz.* Of an hundred pound for each day for a Nobleman, Sixty six pound thirteen shilling four pennies for a Landed Gentleman, Thirty three pound six shilling eight pennies for other Gentlemen and Burgesses, Six pound thirteen shilling four pennies for other Persons: And farther, shall lose their Offices, and be incapable of publick Trust, by and attour the Pains above-specified, and the Penalty to belong to the Party imprisoned, and Process to be competent for the same before the Lords of His Majesties Privy Council, or before the Lords of Council and Session, to be discussed by them summarly without abiding the Course of the Roll; And it is hereby declared, that the above Penalties shall not be modified by any Power or Authority whatsoever. And his Majesty with Advice and Consent aforesaid, extends this Act for preventing of wrongous Imprisonment to the case of all Confinements, not either consented to by the Party, or inflicted after Tryal by Sentence; And farther, discharges all closs Imprisonments beyond the space of eight days from the Commitment, under the pains of wrongous Imprisonment above-set down. As also, that no Person be transported furth of this Kingdom, except with his own consent given before a Judge or by legal Sentence, certifying Judges and Magistrats, and all others who shall give Order otherways for the said Transportation; As likeways all such who shall transport any person without a lawful Warrant from a Judge or Magistrat, that he shall be lyable to the aforesaid Pains of Wrongous Imprisonment, as also of being deprived and declared incapable of all publick Trust. And His Majesty with Advice and Consent aforesaid, Enacts and Declares, that Action and Proces for wrongous Imprisonment shall prescribe if not pursued within three Years after the last day of the wrongous Imprisonment, and Process being once raised, the same

Same shall prescribe if not insisted in yearly thereafter. And it is hereby Statute and Ordained, by Advice and Consent foresaid, that no Member of Parliament attending shall be imprisoned, or confined upon any account whatsoever during a Session of Parliament, without a Warrant of Parliament, reserving to the high Constable and Marishal their Privileges and Jurisdictions in the time of Parliament as formerly; And also providing, that if any Member shall happen to commit a Capital Crime, or if there be a manifest Hazard of the Peace, any Magistrat may attatch for securing of the Person or the Peace, and deliver the person to the Custody of the high Constable, in order to the Parliament's Cognition the next Sederunt.

VII.

ACT

*Rescinding the Act of Parliament 1663,
anent the Ordering and Disposal
of Forraign Trade.*

January 31. 1701.



OUR SOVERAIGN LORD the Kings Majesty Considering, that the 27 Act of the Parliament 1663. Intituled, *Act Asserting His Majesties Prerogative in the Ordering and Disposal of Trade with Forraigners*, Is one of the Grievances represented by the Estates of the Kingdom, as prejudicial to the Trade of this Nation; Doth therefore with Advice and Consent of the Estates of Parliament, Rescind the said Act in the hail Heads, Tenor and Clauses thereof, and Declares the same to be void and null in all time coming; Reserving always to His Majesty, all His Customs and Impositions as now

established, and specially the said Customs and Impositions as the same are settled by the Book of Rates, by Warrant of the 57 Act, Session 1. Par. 1. Ch. 2. Intituled, *Act discharging the Custom of two and a half of the hundred*

dred, and the Impost of four Pound on the Tunn, and the Rules, Orders and Directions for the Advancement of Trade, mentioned in the said Book of Rates. As also, Reserving to His Majesty the Impositions granted by the 34 Act of the 5th Session of this current Parliament. Intituled, An Act for additional Imposition upon Forraign Commodities Imported.

VIII.

A C T

*Discharging the Importing and Wearing
of Forraign Woollen Manufacture.*

January 31. 1701:



OUR SOVERAIGN LORD, with Advice and Consent of the Estates of Parliament, doth strictly prohibite & forbid the Importation of all Cloaths, or Stuffs of any kind made of Wooll, or wherein there shall be any Wooll; As also of Hats, Caps, Stockings, Gloves, or any other kind of Manufactured Wooll, or wherein any Wool shall be found, from and after the Date of this Act, excepting Flannell allennarly, and Ordains that all prohibited Goods imported contrary to this Act, shall be seized and brought

before some of the next adjacent Magistrats, and the Magistrats shall immediately cognosce if the Goods be forbidden, and if they be, he shall within two days time call two of the next Commissioners of Supply, or Justices of Peace, who are hereby required to concurr with him, and they shall cause carry the saids Goods to the Mercat-Cross, betwixt Ten and Twelve in the Forenoon; and there, and then, they shall Burn and Destroy all the saids Goods, having first inventared them, and given a Declaration on the said Inventar, bearing, that they were Seazed and cognosced, and thereafter Burnt and Destroyed; And if either the said Seizer or Magistrat to whom the said seized Goods are brought shall failzie, they shall be lyable to the same Pain as Importers: Which Declaration expressing both Quantitie and Value, attested by the Magistrat and two of the Com-

Commissioners of Supply or Justices of Peace, shall be a full Ground and Title to the Seizer, for Acquiring all his Proportions of the Fines and Penalties from the Persons lyable,, according to the Tenor of this Act. And it is hereby Statute and Declared, That all Importers, Resettlers, Collectors, or Farmors of the Customs, Surveyers, or Waiters, who shall Assist, Concurr, or Connive at the Importing of the said prohibited Manufacture, and Carriers who shall Import the same by Land, and Masters of Ships who shall Import the same by Sea, and all who Buy or Sell, or Wear or Use the same in Apparel, Household-Furniture or otherways, and the Taylor or others Employed in making Apparel or Household-Furniture, that they shall be Fyned separatly, without Relief, as follows ; viz. The Importer, Resetter, Collector, or Farmors of the Customs, Carrier, Master of the Ship, the Buyer or Seller (in way of Merchandize, and not for proper Use) Surveyers or Waiters Transgressing, in the Value of the Prohibited Goods Imported, or Five hundred Merks, at the Option of the Persons after-mentioned, to whom the Fine is to belong, viz. Two Parts to the Discoverer and Pursuer, and a Third to the Fiscal of the Court before whom the Matter is Cognosced ; and if any Master of a Ship shall Transgress, by Importing in his Ship any of the said forbidden Goods, then the Pain shall be Confiscation of the Ship, the One Half to the Discoverer, and the other Half to His Majesty, and that the Ship be immediatly Sold by Roup, for making the said Division effectual, Reserving Relief to the Owner against the Master thereof ; and if any of the Seamen Import in any Ship, any of the said Prohibited Goods, he shall be lyable to Six Months Imprisonment, and Escheat of Movables to the Master for his Relief ; and the Carrier's Horse and Furniture to be immediatly Seized, and belong to the Seizer, and himself to be Imprisoned until he declare the Owner or Employer upon Oath ; and the Wearer or User, or Taylor or others Employed in making up the said Apparel or Furniture, to be Fined in the Sum of Five hundred Merks, each separatly, and all these Penalties by and attour Burning of the Goods. And for the greater Incouragement of such as shall make the foresaid Seizures, It is hereby farder Statute, That in case any person shall make the said Seizure of Goods, and shall make Faith that he is not able to discover the Owner of the Goods Seized, then and in that case he shall have the Reward of One hundred Pound Scots, or proportionally under, if the Goods be not of that Value, to be payed to him by the next Collector of His Majesties Customs, under the Pain of the double, which Sum of Reward, shall be allowed to him in his Accompts, and this additional Reward to endure till the next Session of Parliament, and no longer. As also, His Majesty with Advice and Consent foresaid, Doth Prohibite and Discharge the Selling or Buying of any such Forraign Manufactures whatsoever, or the Wearing of what shall be Imported, under the saids Certifications and Pains Ordained against the Importers, the Wearers Knowledge of its being Forraign Manufacture, to be proven by their Oath of Verity ; and if it consist not with their Knowledge, they shall be obliged to Inform from whom they did Buy or Receive the same, whether

by Barter, Donation, or otherways, to the effect the same may be traced upwards, until it be found out, whether it was Imported or Manufactured within the Kingdom; and if any Magistrat aforesaid shall be informed of any such Imported Goods, and shall be required to assist the Seizer thereof, he shall without delay give Concurrence, and make all diligent Search for the same, and make open Doors, if need beis: and if the Judge or Magistrat, who refuses or delays to do so, or who shall not Judge and Execute the Laws against the Delinquents and Contraveeners of this Act, he or they shall be lyable for the foresaid Penalties, and Action shall be given to the Informer and Pursuer against him, before any Judge competent summarly; and if it be pursued before the Lords of Session, it is to be discussed without abiding the order of the Roll. But in respect that there are several Woollen Forraign Goods Imported before the day of *June* one thousand six hundred and ninety nine years, and before His Majesties Proclamation of that date Prohibiting the same, It is hereby Enacted and Ordained, That all Forraign Wooll Manufacture Imported before the said day, shall be brought before the first day of *April* next to a common Hall within every respective Burgh within the Kingdom, to be appointed for that effect by the Magistrats of the saids Burghs; Certifying the Magistrats of the saids Burghs, who shall neglect to provide such common Halls, that they shall be lyable in One thousand Merks of Fine for their said Neglect, which Magistrats shall appoint one or more Overseers in the saids Halls, to receive & record the foresaid Goods; which Goods so brought in, are there to remain until they be sold out by the Owner in Retail only, and what is sold to be recorded likewise by the said Overseer; and for defraying the Pains and Expenses of the said Overseers, and Hall Mail, they are to have six pennies per Pound, for all Goods sold out of the said Hall, and the Overseers are hereby ordained to find Caution for their faithful Administration: And His Majesty with Consent foresaid, doth allow all Cloaths already made, albeit of Forraign Manufacture or any Cloaths that shall be made of what shall be bought out of the said Common-Halls, to be worn by the Owners, but prejudice to all persons to challenge the Wearers of any such Forraign Manufactures; Nevertheless, it is Declared, that this shall not extend to Furniture belonging to any Scots Man for their own use, bought before the Date of this Act, nor to any wearing Clothes bought and used by any person at any time when they reside Abroad. And it is hereby Enacted and Declared, that whatever shall remain of the foresaid Manufactured Goods imported to the Common-Hall in manner foresaid, unsold on the first day of *December* 1702, that the same shall be exported out of the Kingdom within three Months thereafter, and Testificats of the Exportation reported to the Overseers of the respective Halls, to be recorded there for the ballancing of the whole Accompts of what was at first put in; As likewise a Testificat, that they are carried to some other Forraign Port, within Twelve Months after the Date of the Exportation, which Certificat is hereby likewise Ordained to be recorded, under Certification, that whatever Woollen Manufacture shall be found within the Kingdom after the said day, shall be holden

den and repute as brought in after the Time above-mentioned, and be lyable to the Pains and Penalties foresaid accordingly. And it is hereby Ordained; that the Overseers in the respective Halls, shall report an Accompt of all the saids Manufactured Goods brought in to their Halls, to the next Sheriff-Clerk or Town-Clerk, to be recorded by them *gratis*, & that within Sixty days next after the said day appointed for inbringing thereof, under the Pain of five hundred Merks, to be payed by the Overseer in case he fail to report, and the like Sum to be payed by the Clerk, in case he fail to record the same; And farder, the Sheriff or his Deput, or Magistrats within Burgh, or any two Justices of the Peace, are hereby warranted to call for the saids Records in the severall Halls, at any time after elapsing of the time allowed for vending thereof, and to ballance what was brought in with what is sold out, for discovering the Exactness of keeping the saids Accompts, and to pursue the Faillers by their severall Procurator-fiscals as accords. And whatever Merchant or other against whom it shall be proven, that they have imported any Wollen Manufacture whatsoever contrair to this Act, albeit the Goods be not found or seized, yet if it be proven by his Oath, or otherways as accords of the Law before any Judge competent, the Person so guilty shal be lyable in one thousand Merks of Fyne *toties quoties*, to be applyed to the Pursuer, & Fiscal in manner foresaid. And Lastly, it is provided, that all the said prohibited Goods imported since the said day of June 1699, shall fall under the Prohibitions and Certifications contained in the Proclamation then emitted, and Acts of Parliament whereupon it proceeds.

IX.

A C T

Discharging the Exportation of Wooll.

January 31. 1701.



OUR SOVERAIGN LORD Considering, the great Hurt & Prejudice arising to this Kingdom, & Manufactures thereof, by the Exportation of Wooll, and of Skins with Wooll upon them; Therefore His Majesty with Advice and Consent of the Estates of Parliament, doth not only Ratifie and Revive all former Acts of Parliament made against Exportation of Wool, or Skins with Wool upon them, in so far as they strengthen this present Act, and without Derogation thereto in any sort, but also of new again do hereby strictly Prohibit and Discharge,

all and every person whatsoever, Native or Stranger, to export out of this

Kingdom any Wool whatsoever, or Skins with Wool upon them, or any Worsted or Woollen-Yarn, or any sort of Forraign Wool, or Skins with Wool upon them, Certifying such as shall contraveen this present Act, the Wool or Skins shall be confiscat, and two third Parts thereof applyed to the Discoverer, and the other third Part to the Procurator-Fiscal of the Court where the Confiscation is pursued, and the Exporter fined in the Sum of one thousand Merks *toties quoties*, to be payed & applyed in manner foresaid; And if any Heretable or other Sheriff, Justice of Peace, or Magistrats of Burgh, or Officer or Souldier in the Army, be concerned in any such Export, or Aid, Assist, or connive thereat, they shall be lyable to the said Penalties, besides the loss of their several Offices, and their being incapable to be employed in any such Office and Employment thereafter. And for preventing any Abuses that may be committed by Masters of Ships, Barks and Boats, Collectors, Surveyers and Waiters: It is hereby Statute and Ordained, that in case any Wool Skins with Wool upon them, Worsted or Woollen Yarn, shall be found aboard any Ships, Barks or Boats, going abroad to any place beyond Seas, the Ship shall *ipso facto* be confiscat, and the Master fined in the like Sum of one thousand Merks in manner foresaid, & if any of the Seamen export in any Ship, Wool, Skins with Wool upon them, Worsted, or Woollen-Yarn, he shall be lyable in six Months Imprisonment, and Escheat of Movables to the Master for his Relief, and in case any person or persons shall happen to come aboard the said Ships in Harbour or Roads, the Master and Mariners are hereby strictly required to allow, and concur in searching, Certifying them, that if either they refuse to allow the said Search, or offer to set Sail to disapoint the same, they shall *ipso facto* incur the Pains and Penalties foresaid, without necessity of any further probation; And all Farmers of the Customs, Collectors, Surveyers and Waiters, who shall connive at any Wool, Skins with Wool upon them, Worsted, or Woollen Yarn, put Aboard any Ship for Exportation, shall be Fyned in the Sum of Twelve hundred Pounds, and lose his Office for ever: And in case any Wool, Skins with Wool upon them, Worsted, or woollen Yarn, shall happen to be transported by Sea from one place of this Kingdom to another, the Farmers of the Customs, Collectors of His Majesties Customs, or their Deputs, are hereby Ordained before they give Suffrances, to take the Owner or his Factor, or Trustee, with a sufficient Cautioner bound to return Certificats from the Collector at the Ports where the same is to be unloaded, signed by the Collector and Sheriff, or Magistrat of the Place upon unloading thereof, that the same is unloaded and delivered at the Port conform to the Suffrance, and in case the same be transported from that Port, that the like Caution be found, and Certificats produced, and so furth from Port to Port within the Kingdom, whether Wool, Skins with Wool upon them, Worsted, or Woollen Yarn, shall happen to be transported, the same being always to be narrowly and truly weighed at every Port of Unloading; and which Certificats are to be returned within two Months, Wind and Weather serving, under the Penalty of five hundred Merks by and attour the Value of the Wool, Skins, Worsted or Yarn, for which no Certificats shall be returned in manner foresaid

said, and all Masters or Seamen belonging to *Ferry-boats*, *Open-Boats*, or *Fish-Boats*, are strictly prohibited and discharged, to carry any Wooll, Skins with Wool upon them, or any Worsted or Woollen Yarn, aboard any Ship or Bark, without a Sufferance in manner foresaid; Certifying such, that the Boats shall be Confiscat, and the Persons Fyned and Imprisoned for the space of six Months above-mentioned; and in case any Wool, Skins with Wool upon them, Worsted, or Woollen Yarn, shall be found packed in any sort of Casks, Chists, or Boxes, whether a Shore or Aboard of any Ship, the same may be seized and confiscat, and applied in manner foresaid, and the Merchant, Packer, or Cowper, shall be lyable to, and incur the Penalties foresaid, and the Collectors and their Deputs, are hereby discharged to give Sufferances for Wool, Skins with Wool upon them, Worsted, or Woollen Yarn so packed, under the pains and Penalties above-mentioned; And in case there be found in any Sea-port Town or Village, or within three Miles thereof, great Quantities of Wooll, more than can be reasonably expected the said Sea-port Town, or Village can consume; That any of His Majesties Leidges may have liberty to enquire into, and examine the same, and if the Havers thereof cannot give a reasonable Accompt, that the same may be consumed in the said Sea-port Town, or Village, the Owner shall be lyable to weigh the same, and find Caution that they shall not export it. And farther, in case it shall be found, or proven, that any Masters of Ships, Barks, or Boats, or Aiders or Abaters whatsoever, shall Export any Wool, Skins with Wool upon them, Worsted or Woollen-Yarn, contrair to this present Act, they shall be lyable to the Pains and Penalties above-mentioned, in the same form and manner as if the Wool, Skins, Worsted or Yarn had been seized aboard their Ships before Exportation: And all Sheriffs, Baillics of Regalities, Stewartries, Baronies, Magistrats of Burghs, and Justices of Peace, are hereby Declared to be Judges competent to Actions founded on this Law; Certifying any Judge who shall refuse or delay to Administrat Justice therein, or shall Dispense with the Pains and Penalties foresaid, that he shall be lyable as if he himself were Delinquent in the Case pursued. And it is hereby farther Declared, That Action is competent at the instance of any of His Majesties Subjects against the Contraveeners of this present Act, and any person whatsoever is hereby Allowed to make Seisure of any Wool, Skins with Wool upon them, Worsted or Woollen-Yarn put aboard any Ships, Barks or Boats for Exportation furth of this Kingdom, Two parts to belong to the person who Seizes the same, and the other part to the saids Procurator-Fiscals. It is also hereby Declared, That the Transporting of Wool in Boats over Rivers, Firths, or from the Isles of this Kingdom to the Main-Land, where no Sufferances uses to be given to be sold in publick Mercats, is no ways Prohibite by this present Act, nor is the Wool lyable to be seized, though there be no Sufferance therewith, which in the case above-written allenarly is Dispensed with: And in case any concerned in Woollen-Manufactures shal contraveen any part of this Act any manner of way, they shall not only amit and lose their Share and

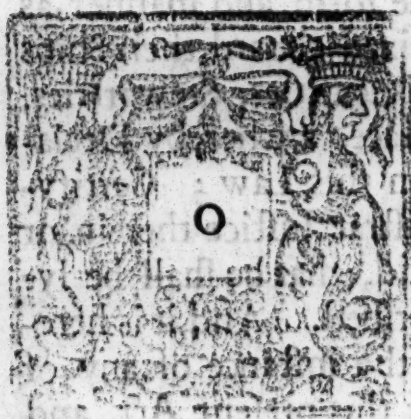
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and Stock in the Manufacture in which they are concerned, to be applied to the Discoverer, but also shall be Fined in the Sum of Six thousand Pound, to be applied by two part and third, in manner foresaid. And it is hereby Declared, That this present Act Prohibiting the Export of Wool, and others above-mentioned, shall only continue and stand in force the space of five years, and until the next Session of Parliament thereafter *inclusive*. And His Majesty with Consent foresaid, Prohibites the Importation of *English* and *Irish* Wool, till the first of *January* one thousand seven hundred and two, under the Penalties foresaid. And farther, it is hereby Provided, that notwithstanding of the general Prohibition of the Export of Wool above-mentioned, the said Prohibition, as to the Export of the said *English* and *Irish* Wool, shall only endure to the next Session of Parliament *inclusive*.

X.

A C T
Discharging Wine, Brandie, and all
other Liquors of the growth of France.

January 31. 1701.



OUR SOVERAIGN LORD with Advice and Consent of the Estates of Parliament, Strictly Prohibites and Discharges the Importation of all *French* Wines, Brandie, and other Strong-Waters and Vinegar made in *France*, from any place whatsoever: The Brandie, Strong-Waters and Vinegar, from and after the first day of *May* next; and all other Wine, from and after the first day of *October* next to come: Certifying all such who shall Contraveen this present Law, that the Wines Imported contrair thereto, shall be Seized, Staved and Destroyed, and the Ship wherein the said Wine is Imported, shall be Confiscat, the one half to the Discoverer, and the other half to the King's Majesty, and the Ship immediatly sold by Roup, that the Discoverer may receive the half of the Price for his Reward, and the other half thereof may be payed to His Majesties Cash keeper, for His Majesties use: And farther, that the Merchant Importer, be lyable in the Sum of one thousand Merks, and the Skipper in the Sum of five hundred Merks *Scots*, the two parts of both the saids Fines to the Discoverer, and the other third to the Fiscal of the Court where the said Merchant is convict, with Relief to the other Owners of the said Ship not accessory

accessory to Importing of the saids Wines, of all his or their Dammmages, as accords, from the Merchant Importer and Skipper of the said Ship, by and attour the Penalties to be applyed as said is. And it is hereby provided, that this Prohibition shall continue ay and while the same Liberties and Immunities be granted to Herrings, and all other Goods Exported from this Kingdom into *France*, and the same Freedom and Immunities granted to *Scots* Ships sailing thither, that any other Nation enjoy in that Kingdom. And farder, His Majesty with Advice and Content foresaid, strictly *Prohibites* and *Discharges* the Importation of all Brandie, and other Strong-Waters, from any other place whatsoever; and also all Berager, Vinegar and Aleager, after the first day of *May* next to come, under the Penalties foresaid, against the Ship, Merchants, Importers and Skippers, and with Relcif to the Owners as said is. And likeways, His Majesty with Consent foresaid, strictly *Prohibites* and *Discharges* all General Collectors or Farmers of His Majesties Customs, to receive Envoices of any of the said prohibited Liquors, or to connive at the Importing of any part of them, under the penalty of six thousand pound *Scots*; all Sub-Collectors, Surveyers or Clerks, under the penalty of three thousand pound *Scots*; all Waiters, under the penalty of five hundred Merks *Scots toties quoties*: And that all persons whatsoever, who shall happen to seize the said prohibited Goods, shall carry them to, or call for the nearest Magistrat, Judge or Justice of Peace, to the effect that the said prohibited Wines or Others, when seized, may be staved and destroyed in presence of the said Magistrat, and one of the Justices of Peace of the Shire where the same is seized; and all Judges, as well of the Admiral Court, as Sheriffs, Lords of Regalities, Stewartries, Bailliaries, and their Deputs, Justices of Peace and Magistrats of Burghs, are hereby required to concur in seizing and destroying any of the said prohibited Goods; and to Judge and Decern against all persons lyable in Fines, as said is, under the penalty of five hundred Merks, in case of refusal, *toties quoties*, to be applyed as above. And to the effect, that under the colour of red Wine from *St. Sebastian*, or any other Port or Place in the Bay of *Biscay*, *French* Wine may not be imported: It is hereby farder provided, that before any Ship, supposed to come from any Port or Place within the Bay of *Biscay*, shall be allowed to unload, the Merchant, Importer, with the Master of the Ship, and all the Seamen, shall first give their Oaths before the Judge ordinar of the Port, and two of the next Justices of Peace, that the Ship came from the Port mentioned in her Documents, and that they do not know or believe the Wine imported in the said Ship, to be *French* Wine, either in haill or in part, or bath any mixture thereof; and this to be observed by the said Merchant, Importer, Master of the Ship and Seamen; and also, by the Collectors of the Customs, Surveyers and Waiters, under the pain of being repute and punished as Importers of *French* Wine. And it is hereby farder Statute, That no red Wine to be imported from any Port or Part, betwixt the Coast of *France*, and the *Groyne exclusive*, after the first of *October* next to come, shall be sold by Retail for a greater Price than Fourteen Shilling

the Pynt, under the pain of five hundred Merks to be payed by the Seller, *toties quoties*, to be divided in manner foresaid. And lastly, His Majesty with Consent foresaid, strictly *Prohibites* and *Discharges* the buying or selling by Retail or otherways, any of the said prohibited Liquors, after the first day of February one thousand seven hundred and two, under the penalty of five hundred Merks, to be payed by the Buyer also well as the Seller, *toties quoties*, by and attour Confiscation of the Liquors sold as said is; which Liquors are to be staved and destroyed, in manner above set down.

XI.

ACT Against Profaneness.

January 31. 1701.



OUR SOVERAIGN LORD, for the better and more effectual repressing of Profaneness and Immorality, with Advice and Consent of the Estates of Parliament, Ratifies, Renews and Revives, all former Laws and Acts of Parliament made against Drunkenness, Sabbath-breaking, Swearing, Fornication, Adultery, and all manner of Uncleaness, Mocking and Reproaching Religion, and the Exercise thereof and generally all other Laws made against Profaneness, and particularly without prejudice of the said generality, Ratifies and Revives the Act of the ninth Parliament, Queen Mary, Cap. 74. Intituled, *Act anent Adultry*; As also the Act of the seventh Parliament. Ja. 6. Cap. 105. Intituled, *The Explanation of the Act touching nottour and manifest Adultery*. and Ordains the same to be put to strict and vigorous Execution in all points; As also Ratifies and Approves the Acts following, *viz.* The Act of Parliament 1672, Intituled, *Act against Profaneness*, whereby all Members of His Majesties Privy Council, or Lords of Session, with all Judges ordinary, having their Residence, or keeping Courts in any Paroch, are Ordained to Execute, or cause Execute the said Laws against such Delinquents therein, as shall be dilated to them by the Kirk-Sessions, or other Church Judicatories, with Power to the Kirk-Session and Heretors, to name a Collector of the Fines; As also where none of the foresaid persons in Authority reside, to nominat a person Resident within the Paroch, whom they shall offer to the Judge Ordinary of the Bounds, to the end he may grant them a Deputation to the effect foresaid; As likeways,

to

to modifie and Appoint such Fees to the said Collectors out of the said Fines, as they shall find just, and that the Remainder of the said Fines, be applyed for the use of the Poor, in manner specified in the said Act. The Act of Parliament 1693 also Intituled, *Act against Profaneness*, whereby every Presbytry within this Kingdom is impowered, and Ordained to Appoint one or more within their respective Bounds, to take notice of all Vices and Immoralities, and to dilate and prolecute the persons guilty, conform to the Tenor of former Acts, and allowing to them out of the Fines, not only their whole Expenses, but such Rewards as the Lords of Privy Council shall think fit; The Act 1695 likeways Intituled, *Against Profaneness*: Whereby all the Judges Ordinary, and their Deputs, and all Justices of Peace within whose Bounds any of the said Offences shall happen, are Authorized and enjoyned to put the said Acts against Profaneness to exact and punctual Execution at all times, without necessity of any Dispensation, and against all persons, whether Officers, Souldiers, or others, without Exception, with Certification, that any of the said Judges that shall refuse or neglect to put the said Laws in Execution, upon the Application of any Minister, Kirk-Session, or any person in their Name informing, and offering sufficient Probation, he shall be lyable and subject *toties quoties* to a Fine of one Hundred pound Scots, for the Poor of the Paroch where the Scandal happned; Declaring that the Agent for the Kirk, the Minister or Kirk-Session of the Paroch, or any having their Warrant, shall have good interest to pursue before the Lords of Session, any of the said Judges refusing or neglecting as said is, and that the said Refusal or Neglect shall be sufficiently proven by an Instrument under a Nottars Hand, and Witnesses subscribing and deponing, that the said Information was given, and Probation offered, as the said Act more fully bears. And lastly, the Act 1696 also Intituled, *Act against Profaneness*, in the haill Heads, Articles and Clauses thereof, all which Laws and Acts of Parliament, generally and particularly above narrated, His Majesty with Advice and Consent foresaid, Ordains to be put to strict and punctual Execution in all points; And farther, all Ministers and Kirk-Sessions, and Heretors concerned, are hereby Required and Ordained to do and act their Parts faithfully in the Premisses, as they will be answerable, and in case any person shall be Excommunicat for not answering, or for not obeying and satisfying the Church when processed before them for Profaneness and Immorality, or in case that any person cited on the account foresaid, shall be declared by the Church to be Contumacious, then, and in either of these cases, His Majesty with Advice and Consent foresaid, *Statutes and Ordains*, that upon Application made by a Presbytry, provincial Synod or General Assembly, to His Majesties Privy Council, representing the same, the Lords of Privy Council shall represent the said matter to His Majesty, that he may be duely informed anent the foresaid person found guilty or Contumacious as said is, as a person not fit to be employed, or continued in any Place of publick Trust Civil or Military.

XII.

A C T

*Prohibiting the Importing of Silk-Stuffs
and others.*

January 31. 1701.



OUR SOVERAIGN LORD with Advice and Consent of the Estates of Parliament, Do strictly *Prohibite* and *Forbid* the Importation of all Stuffs of any kind, made of Silk or Hair, and the Importation of Calligoes, or other Stuffs of any kind made of Cotton, or wherein there is any Cotton, Hair or Silk ; as also, of Capes, Stockings, Gloves, Buttons of all sorts, or any other kind of manufactured Cotton, Hair or Silk, or wherein any Cotton, Hair or Silk shall be found ; and all manner of White-Threed-Laces and Points of any kind, and that

from and after the Promulgation of this Act ; excepting Musline, and all plain Black Silk-Stuffs and Velvets for Womens Hoods and Skarffs only ; as also, Velvets and other Silk-Stuffs for States and Chairs of State ; as likewise for Pales, Mort-Cloaths, Foot-Mantles, and the Robes of such publick Officers who are in use to wear Velvets upon them ; excepting likewise from this Act, all such *Indian* or *Persian* Goods, as shall be loaded in *Persia* and the *Indies*, and thence imported by the *Company* of Scotland *Trading to Africa and the Indies*, in Ships coming directly from these parts, conform to the Priviledge granted to them by the 8th Act of the 5th Session of this current Parliament, the samen being always ascertained by the Oaths of the Super-cargo and Master and Seamen of the saids Ships, deponing before Livering in presence of a Iudge, that the said *Indian* and *Persian* Goods are truly such, and loaded and imported by the *Company* as said is. And *Ordains*, that all prohibited Goods imported contrair to this Act, shall be seized and brought before some of the next adjacent

adjacent Magistrats, and the Magistrats shall immediatly cognosce if the Goods be forbidden ; and if they be, he shall within two days time, call two of the next Commissioners of Supply, or Justices of Peace, who are hereby required to concur with him, and they shall carry the saids Goods to the Mercat-cross betwixt ten and twelve in the Forenoon, and there and then they shall burn and destroy all the saids Goods, having first inventared them, and given a Declaration on the said Inventar, bearing, that they were seized and cognosced, and thereafter burnt and destroyed ; and if either the said Seizer, or Magistrat, to whom the saids seized Goods are brought, shall failzie, they shall be lyable to the same pains as Importers ; which Declaration, expressing both quantity and value, attested by the Magistrat, and two of the Commissioners of Supply, or Justices of Peace, shall be a full ground and title to the Seizer, or others underwritten, for acquiring all his proportions of the Fines and Penalties from the persons lyable, according to the tenor of this Act. And it is hereby *Statute and Declared*, That all Importers, Resetters, Collectors or Farmors of the Customs, Surveyers or Waiters, who shall assist, concur or connive at the importing of the said prohibited Manufacture, and Carriers who shall import the same by Land, and Masters of Ships who shall import the same by Sea, and all who buy or sell, or wear or use the same in Apparel, Household Furniture or otherways, and the Taylors and others employed in making Apparel or Household Furniture of the same, that they shall be Fined, each of them without Relief, as follows, *viz.* The Importer, Resetter, Collector or Farmors of the Customs, Carrier, Master of the Ship, the Buyer or Seller, (in way of Merchandice, and not for proper use,) Surveyers or Waiters transgressing, in the value of the prohibited Goods imported, or five hundred Merks, at the option of the persons after-mentioned, to whom the Fine is to belong, *viz.* two parts to the Discoverer and Pursuer, and a third to the Fiscal of the Court before whom the matter is cognosced ; and if any Master of a Ship shall transgress, by importing in his Ship any of the saids forbidden Goods, then the pain shall be Confiscation of the Ship, the one half to the Discoverer, and the other half to His Majesty, and that the Ship be immediatly sold by Roup, for making the said division effectual, reserving Relief to the Owners against the Master thereof ; and if any of the Seamen import in any Ship, any of the saids prohibited Goods, he shall be lyable to six Months imprisonment, and Escheat of Movables to the Master for his Relief ; and the Carrier's Horse and Furniture, to be immediatly seized, and belong to the Seizers, and himself to be imprisoned, until he declare the Owner or Employer upon Oath ; and the Wearer or Uſer, or Taylor or others employed in making up of the said Apparel or Furniture, to be Fined in the Sum of five hundred Merks each, and all these penalties by and attour burning of the Goods. And for the greater incouragement of such as shall make the foresaid Seizure, it is hereby farder *Statute*, That in case any person shall make the said Seizure of Goods, and shall make Faith that he is not able to discover the Owner of the Goods seized, then and in that case he shall have the Reward of one hundred pound, or proportionally

portionally under, if the Goods be not of that value, to be payed to him by the next Collector of His Majesties Customs, under the pain of the double, which Sum or Reward, shall be allowed to the Collector in his Accompts, and this additional Reward to endure till the next Session of Parliament, and no longer : And if any Magistrat aforesaid, shall be informed of any such imported Goods, and shall be required to assist to the seizing thereof, he shall without delay give concurrence, and make all diligent search for the same, and make open Doors if need beis ; and farder, the Magistrat who refuses or delays to do so, or who shall not Judge and Execute the Laws against the Delinquents and Contraveeners of this Act, he or they shall be lyable for the foresaid Penalty, and Action shall be given to the Informer and Pursuer against him, before any Judge competent summarly ; and if it be pursued before the Lords of Session, it is to be discussed without abiding the course of the Roll. And in regard there are, or may be some of the several kinds of the saids prohibited Goods in the Merchants Hands, not yet Vended : *Therefore* His Majesty with Consent foresaid, *Statutes and Ordains*, That all Merchants who have any Goods (prohibited by this Law) in their Shops, or Ware-houses, shall betwixt and the first day of *May* next, Inventar all the saids Goods and Quantities thereof, in their own Books, and extend an double of the said Inventar ; the which prohibited Goods being so inventared, they shall within eight days thereafter, apply themselves to the Keeper of the Halls of the Forraign Cloath, in whose Hands a Seal is to be lodged, by the Magistrats of the Burgh, where the saids Goods are, for Sealing all the saids prohibited Goods ; which Seals are to have a Thistle on the one side, and the Name of the Town where the said Seal is kept, on the other side : and the saids Merchants are hereby ordained, to require the said Keeper to come to their Shops and Ware-houses, to compare the saids Inventars with the Goods in their Possession, which being found just, to require him to seal the saids Goods ; after the doing whereof, to deliver to the said Keeper, the double of the said Inventar ; which double, and the Inventar contained in the Merchants Books, is to be subscribed by the Merchant himself and appender of the Seal : and in case the Keeper of the said Seal refuse to append the same, he being required there-to under the form of Instrument, he shal be Fined in the Sum of one hundred pound, beside the los of his Office, and the Magistrats are hereby ordained to name another in his place. And farder, it is *Statute and Ordained*, That the saids Goods shall be sealed betwixt and the first of *June* next, by the said Hall-keeper, and immediatly thereafter, the saids Seals are to be broken, at the sight of the Magistrat of the place, where the saids Seals are kept ; which Magistrats are hereby obliged, to take sufficient security for the Keepers faithful administrating his Office, and for which sealing, the Sealer shall have one Shilling *Scots*, as his Reward for ilk Piece to which he shall append the said Seal. And farder, it is hereby *Statute and Ordained*, That the saids Merchants shal give an account of their Retail of the saids inventared Goods Quarterly, to the said Keeper of the Halls, bearing the Names of the persons to whom they were sold,

to

to be Recorded, thereby to make known when all contained in the Inventars are sold out; and the Merchant failzieing to give in the said Quarterly Accompts, shall be lyable in one hundred Pound, *toties quoties*; and whatever of the saids Goods, shall be found, either in *Edinburgh*, or else where not so sealed, shall be repute as wrongously Imported, and Burnt, as herein appointed; and the Counterfitting of the said Seal, is hereby Discharged, under the Pain of Forgery: Declaring always, that this Act shall not extend to Cloathes or Furniture belonging to any Subject of this Kingdom, bought for their own use, before the date of this Act; nor to any Wearing-Cloathes, or Horse-Furniture to be bought and uted by any person at any time residing Abroad; nor shall it extend to any Coach, Chariot, or Chair lined with any sort of the saids Goods Prohibite, that may be brought into this Kingdom: And whatever Merchant or others, against whom it shal be proven, that they have Imported any Silk or other Manufacture whatsoever, contrair to this Act, albeit the Goods be not found or seized, yet if it be proven by Oath or Writ, before any Judge competent, the person so Guilty, shall be lyable in one thousand Merks of Fine, *toties quoties*, to be applyed to the Pursuer and Fiscal in manner foresaid. Excepting nevertheless from this Act, all manner of Silk, Hair or Cotton Manufacture, made or to be made within this Kingdom, with all the necessar Materials for making thereof allenarly: As also, Excepting the Selling, Buying and Wearing, such of all the saids Prohibited Goods as are already Imported before the date of this Act.

XIII.

ACT

In favours of the African and Indian-Company.

January 31. 1701.



OUR SOVERAIGN LORD, for the farder Incouraging the *Company* of this his Ancient Kingdom, Trading to *Africa* and the *Indies*, with Advice and Consent of the Estates of Parliament, *Statutes* and *Ordains*, that all the temporary Priviledges and Immunities granted to the said Company, by the eight Act fifth Session of this Parliament, shall be continued to the Company for the space of Nine Years longer, after expyring of the respective Times allowed

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to

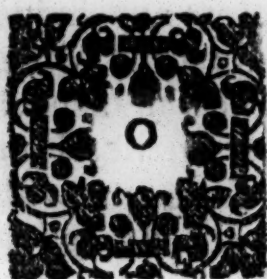
to them by the said Act, and Ratifies the foresaid Act and Letters patent, in the haill Heads, Clauses, Articles and Priviledges therein contained.

XIV.

ACT

Discharging the Quoats of Testaments.

January 31. 1701.



OUR SOVERAIGN LORD considering, That by the Twenty eight Act of the first Parliament of Kings *Charles* the second, *Quoats* of Testaments are discharged to be Exacted from any of His Majesties Leidges, by Commissars, or their Clerks and Fiscalls, or any others, But prejudice of the ordinary Fees due to the said Commissars, their Clerks and Fiscalls as accords; Which Act was only taken away by the restoring of Episcopacy, which is now abolished. Do therefore with Advice and Consent of the Estates of Parliament, Revive and Ratifie the said Twenty eight Act of the first Parliament of King *Charles* the second, and discharges all *Quoats* of Testaments fallen due since the Act of Parliament 1689, *Abolishing Prelacy*, to be Exacted from any of His Majesties Liedges, either by Commissars, or their Clerks and Fiscals. And farther Declares, any Bonds or Securities given for the said *Quoats*, to be void, and Ordains the same to be given up to the Granters thereof, but prejudice to His Majesty to cause call the said Commissars, their Clerks & Fiscals to an Account for any Sums of the saids *Quoats* hereby discharged, received by them before the making of this Act.

XV.

ACT

Anent the Supplie of Twelve Months Cefs upon the Land-Rent.

January 31. 1701.



THE ESTATES OF PARLIAMENT Considering that a standing Army cannot be kept up in time of Peace, without consent of Parliament; And that they have resolved, that three Thousand Men be kept up for the Safety and Security of the Kingdom; Do therefore consent, to the keeping up, and continuing of the said Number of three Thousand Men of the Forces, upon the present Establishment, for the space of two Years, from, and after the first of *December* last, to the first of *December* one thou-

sand seven hundred and two; And humbly, and cheerfully for themselves, and in name of this Kingdom, whom they do represent, make offer to His Majesty of a Supplie of eight hundred sixty four thousand pound *Scots*, extending to six Moneths Cefs Yearly, for each of the saids two Years, for the end foresaid; which new Supplie is to be raised and uplifted out of the Land-Cefs of this Kingdom, in manner, and conform to the proportions of the Shires and Burghs, contained in the first Act of the sixth Session of this current Parliament, dated the twenty fifth day of *September*, one Thousand six Hundred Ninty six, and to be payed at the Terms following, viz. two Moneths Cefs the first of *March* next, and two Moneths Cefs the first of *June*, and two Moneths Cefs the first of *November* thereafter, and two Moneths Cefs at the Term of *Whitsunday* one thousand seven hundred and two, and two Monerhs Cefs at *Lambmas*, and two Moneths making up the Twelve Moneths Cefs at the Term of *Martinmas* thereafter; And His Majesty considering that this Supplie is granted for such a necessary use; doth with advice and consent of the Estates of Parliament, declare that no Person or Persons shall be Exempted from payment of their proportions of this Supplie for their Lands, upon

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any

any pretence whatsoever, excepting Mortified Lands, and the Lands of *New-Milns*, belonging to the Woollen-Manufactory there, for which Mortified Lands and Lands of *New-Milns*, Deduction is to be allowed in the *quota* of the Respective Shires, notwithstanding of any former Law, Priviledge or Act of Parliament in the contrair : And His Majesty, with advice and consent foresaid, doeth nominate & appoint the same Persons who are named in the sixth Act second Session, and in the seventh Act fifth Session, and in the foresaid first Act Session sixth, and in the foresaid first Act Session seventh of this current Parliament, who are alive, and have qualified themselves according to Law, or shall qualifie themselves betwixt and the third Tuesday of *February* next to come, and such others as shall be nominate in this present Session of Parliament, to be Commissioners for ordering and uplifting the Supplie, with the same power to choise their own Clerk, and to do every thing that may concern the said Supplie, as is prescribed and appointed by the said Act, holding the same as here repeated, and Ordains the same Execution to pass for inbringing hereof, as is provided by the said Act in all Points ; And Ordains the first Meeting of the saids Commissioners of the said Shires, to be at the respective Head-Burghs thereof, the third *Tuesday* of *February* next to come, and requires the Sheriffs, Stewarts, or their Deputs, to intimat the same to the Commissioners of the respective Shires and Stewartries, with power to them to appoint the subsequent Dyets of Meeting, and their Conveeners from time to time : As also, to appoint Collectors with sufficient Caution, as they shall think fit ; And commits to His Majesties Privy Council, upon the Death, or not Acceptance of any of the Commissioners of supply appointed by this Act, to Nominat and Appoint others in their Places. And His Majesty with Advice and Consent foresaid, doth declare, that all Clauses contained in the former Acts of Parliament and Convention of the *Estates*, in relation to the Inbringing of Cess and Quartering, and anent Riding-Money, do stand in full Force as to this Supply now imposed in the same manner, as if they were herein insert ; except in so far as these Acts of Parliament or Convention are innovat or altered by the foresaids sixth, seventh and first Acts of the second, fifth and sixth Sessions, and first Act of the seventh Session of this current Parliament. And it is hereby Declared, that no persons lyable in payment of the said Supply, shall be holden to produce their Discharges or Receipts of the same after Three Years from the respective Terms of Payment, unless Diligence be done therefore, by Denunciation before elapsing of the said three Years ; And because by the Supply hereby granted, the Land-Rents and Burghs of this Kingdom are only burdened, and it being just, that personal Estates in Money, should bear some Proportion of the Burden. Therefore His Majesty with Advice and Consent foresaid, *Statutes* and *Ordains*, that every Debitor owing Money within the Kingdom at six *per Cent* of Interest, shall in the payment of his Annualrent the said two Years, have Retention in his own hands, of a Twelfth Part of six *per Cent*. And this two years Retention to be from *Martinmas* last by past, to the Term of *Martinmas* one thousand seven hun.

hundred and two. And it is hereby Declared, that it shall be Usury for any Creditor to refuse to grant the said Retention. And it is farther Statute and Ordained, that no part of the foresaid Cess be applied to any other use than the payment of the Army, now consented to by Parliament, upon any pretence whatsoever.

XVI.

ACT and COMMISSION Anent the Pole 1693.

February 1. 1701



OUR SOVERAIGN LORD, with the Advice and Consent of the Estates of Parliament, Does hereby Authorize and Impower the following Persons, *To wit.* The Earls of *Lauderdale, Loudoun, Leven*, Sir *Francis Scot of Thirlstain*, Sir *Alexander Monro of Bearcrofts*, the Laird of *Livingstoun*, Sir *Archibald Muir*, Mr. *James Hamilton*, Sir *William Hamilton*; being three of each State of Parliament, whereof Five to be a *Quorum*, to proceed upon, and determine with a Parliamentary Power, all

Differences betwixt the Old and New Tacksmen in relation to the *Pole 1693*. And finally, to decide in all Questions in relation to the Vintuples wherein the old Tacksmen may be found lyable, for their Concealments in the Collection, and the Expenses pretended by them for the said Collection, and to apply the Sums they shall find resting towards the clearing the Arrears of these Officers to whom the same shall appear due, according to their respective Claims; As likeways, to consider and determine upon *Kirkcoun Lockharts* Petition to the said subject: As also, to inquire into these other Fonds given by the Parliament for the same end, and which were before the late Commission of Parliament, and to proceed herein with all convenient Diligence, that Justice may be done to these Gentlemen, that have deserved so well of their Countrey; and appoints their first Meeting the first *Tuesday* of *February* instant, with power to them to Adjourn themselves from time to time, as they shall think fit, until the saids Matters be finally determined. And it is hereby Declared, that the Members of the said Commission shall not be lyable for what they shall determine, and that His Majesty may supplie any Vacancy that shall happen in the said Commission.

XVII.

ACT

Salvo Jure Cujuslibet.

February 1. 1701.



OUR SOVERAIGN LORD taking to Consideration, that there are several Acts of Ratifications, and others past in this Session of Parliament, in favours of particular persons, without Calling or hearing of such as may be thereby concerned or prejudged; Therefore His Majesty with Advice and Consent of the Estates of Parliament, Statute and Ordain, that all such particular Acts, and Acts of Ratifications, past in manner foresaid, shall not prejudice any third Party of their lawful Rights, nor of their Actions and Defences competent thereupon, before the making of the saids particular Acts, and Acts of Ratification; and that the Lords of Session, and all other Judges of this Kingdom, shall be obliged to judge betwixt Parties, according to their several Rights standing in their persons, before the making of the saids Acts. All which are hereby Exponed and Declared to have been made *Salvo Jure Cujuslibet*; Excepting always from this present Act, all such Acts past in this Session of Parliament, as by an expresse Clause therein, are Declared to be herefrom excepted.

XVIII

ACT

Of Adjournment.

February 1. 1701.



THE KING'S MAJESTY Declares this Parliament Current, and adjourns the same to the first *Tuesday* of *May* next, being the sixth day of the said Month; Ordaining all Members of Parliament, Noblemen, Commissioners from Shires and Burghs, and all others having Interest to attend at *Edinburgh* that day, at Ten a Clock, and that there be no new Elections in Shires or Burghs, except upon the Death of any of the present Commissioners.

A TABLE

Of the Printed Acts.

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7 Act Rescinding the Act of Parliament 1663, anent the Ordering and Disposal of Forraign Trade.	15
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*Of the Acts past in the Eighth Session of
His Majesties First Parliament, which
are not here Printed.*

HIS Majesties Commission to *James Duke of Queensberry* produced.
Protestations by some Noblemen, for their Precedency in the
Rolls of Parliament.

His Majesties Letter appointing the Lord *Montgomery* to Sit and Vote in
this Session of Parliament, in place of the Lord High Thesaurer.

His Majesties Letter appointing the Viscount of *Seafeld* to Sit and Vote
in the said Session of Parliament, as Lord Secretary.

Several Patents in favours of Noblemen produced.

Two Commissions, one of the Office of Lord Thesaurer-deput to *Adam
Cockburn* of *Ormistoun*; and the other of the Office of Lord Justice
Clerk to Sir *John Maxwell* of *Pollock* produced.

His Majesties Letter to the Parliament.

Warrant to the Sheriff and Free-holders of the Shire of *Peebles*, for elect-
ing a Commissioner, in place of Sir *Achibald Murray* of *Blackbarony* de-
ceast.

Warrant to the Sheriff and Free holders of the Shire of *Bute*, for electing
a Commissioner, in place of *David Boyl* of *Kelburn*, now created Lord
Boyl.

Warrant to the Sheriff and Free-holders of the Shire of *Renfrew*, for elect-
ing a Commissioner, in place of Sir *John Maxwell* of *Pollock*, now Lord
Justice Clerk.

Warrant to the Sheriff and Free-holders of the Shire of *Nairn*, for electing
a Commissioner, in place of the Laird of *Calder* younger deceast.

Warrant to the Sheriff and Free-holders of the Shire of *Dumbarton*, for
electing a Commissioner, in place of *William Colquhoun* of *Craigtoun*.

Warrant to the Sheriff and Free-holders of the Shire of *Stirling*, for elect-
ing a Commissioner, in place of *Alexander Naper* of *Colcreoch*.

Warrant

Warrant to the Sheriff and Free-holders of the Shire of *Clackmannan*, for electing a Commissioner, in place of the Laird of *Clackmannan*.

Warrant to the Sheriff and Free-holders of the Shire of *Kinross*, for electing a Commissioner, in place of Sir *David Arnot*.

Warrant to the Magistrats and Town-Council of the Burgh of *Linlithgow*, for electing a Commissioner, in place of *William Higgins*.

Excuses for some absent Members offered and received.

Commission by the Earl of *Selkirk* Lord Register, to *Alexander Gibson* one of the Deput-Clerks of Parliament, to officiat this Session of Parliament for him during his absence.

Warrant granted for Sitting of the Justice-Court and inferior Courts.

Order allowing *Patrick Murdoch* Commissioner for the Burgh of *Whitehorn* to Sign the Association.

A

T A B L E

Of the Acts and Ratifications past in the Ninth Session of His Majesties First Parliament, which are not here Printed.

HIS Majesties Commission to *James Duke of Queensberry* produced His Majesties Letter appointing the Lord *Montgomery*, to Sit and Vote in this Session of Parliament, in place of the Lord High Thesaurer.

His Majesties Letter appointing the Viscount of *Seafeld*, to Sit and Vote in this Session of Parliament, as Lord Secretary.

Excuses for some absent Members offered and received.

Several Patents in favours of Noblemen produced.

His Majesties Letter to the Parliament.

Warrant to the Sheriff and Free-holders of the Shire of *Air*, for electing a Commissioner, in place of *William Muir* of *Rowallan* deceased.

Warrant to the Sheriff and Free-holders of the Shire of *Argile*, for electing a Commissioner, in place of Sir *Duncan Campbell* of *Auchinbreck*.

Commission by the Earl of *Selkirk* Lord Register, to *Alexander Gibson* one of the Deput-Clerks of Parliament, to officiat this Session of Parliament for him in his absence.

K

Order

- Order for Burning a Pamphlet, Intituled, *Memorial to the Members of Parliament of the Court Party.*
- Order for Burning three Pamphlets, one Intituled, *A Defence of the Scots abdicating Darien*; and an other, Intituled, *A Vindication of the said former Pamphlet*: And an third, Intituled, *Caledonia, or the Pedler turn'd Merchant.*
- Order anent the apprehending of *Walter Herries*, intormed to be Author of two of these Pamphlets.
- Act anent Mr. *William Seaton* younger of *Pitmedden.*
- Act in favours of Sir *Alexander Hope* of *Kerss.*
- Resolve for continuing the Forces till the first of *January 1701.*
- Resolve continuing the Forces till 1 *February 1701.*
- Act anent the Election of the Shire of *Wigtoun*, and Warrant to the Sheriff, & Free-holders of that Shire, for electing a new Commissioner in place of *William Mackdowal* of *Garthland* deceast.
- Warrant to the Sheriff and Free-holders of the Shire of *Peebles*, for Electing a Commissioner in place of *Alexander Murray* of *Halmyres* deceast.
- Order for exhibiting in the Clerks Hands the Proces of Forefaulture against the late Marquis of *Argyle*, and Grounds and Warrants thereof.
- Remit in favours of *George Lockhart* and other Inhabitants of *Glasgow.*
- Act concerning the Election of the Commissioners for the Shire of *Air.*
- Several Resolves anent the Affair of the Company of *Scotland* Trading to *Africa* and the *Indies*, and their Colony, &c.
- Address by the Estates of Parliament to His Majesty, anent the Rights and Priviledges of the Company of *Scotland* trading to *Africa* and the *Indies.*
- Dissent and Protestations, the Duke of *Hamilton* and others as to the said Address.
- Decreet Earl of *Annandale* against the Laird of *Lagg.*
- Remit to the Lords of Session of the Case betwixt *Laurence Pouré* and *Thomas Henderson.*
- Act for revaluing the Lands within the Shire of *Caithness.*
- Remit Mr. *William Gordon* of *Balcomie* against Sir *William Hope.*
- Remit in favours of Mr. *James Daes* of *Coldingknows.*
- Act in favours of Mr. *James Smith* of *Whitehill.*
- Remit in favours of the Burgh of *Fortrose.*
- Act in favours of Sir *Patrick* and *James Ogilvies* of *Boyne.*
- Act for proving the Tenor of certain burnt Writs in favours of Sir *David Hume* of *Crosrig*, one of the Senators of the Colledge of Justice.
- Resolve for continuing the eleven hundred Men not provided for by the Parliament, for the space of four Months after the first *Feb. 1701.*
- Dissent and Protestation Duke *Hamilton* and others as to the said Resolve.
- Remit to the Thesaury anent the Inland-Excise.
- Act in favours of the Earl of *Kilmarnock.*
- Act in favours of the Burgh of *Bamff.*
- Ratification in favours of Marquis of *Athole* & E. of *Tullibardine* his Son.
- Ratification in favours of the Earl of *Errol.*
- Protestation for the Laird of *Laithers* against the same.

Ratification in favours of the Earl of *March*.

Ratification in favours of Sir *Hugh Dalrymple* of *Northberrwick*, President of the Colledge of Justice.

Ratification in favours of Sir *James Murray* of *Philiphaugh*, one of the Senators of the Colledge of Justice, and *John Murray* his eldest lawful Son.

Ratification in favours of Sir *James Scougal* of *Whitehill*, one of the saids Senators.

Ratification in favours of *George Caruthers*, eldest lawful Son to the deceased *John Caruthers* of *Hollmairds*.

Ratification in favours of *George Logan* of *Burncastle*, and *Isobel Dowglas* his Spouse.

Ratification in favours of *William Hairstains* of *Craigs*.

Ratification of a Contract betwixt the Burghs of *Glasgow* and *Dumbarton*.

Acts for Fairs and Weekly-Mercats in favours of several Persons.

Protestation by the Lord *Montgomery*, in Name of Mr. *Alexander Montgomery* of *Kirktonholme*, against the Mercat granted to *Alexander Stuart* of *Torrens*.

Protestations the Duke of *Hamilton*, Marquis of *Tweeddale*, Earl Marishal, Viscount of *Strathallan*, and likeways of the Earl of *Buchan*, Viscount of *Seafeld* Lord Secretary, and his Majesties Thesaurer-Deput *hinc inde* upon the Interruptions therein-mentioned.

F I N I S.